

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Warren V. Tinch,)	
)	Case No. C-1-01-162
Petitioner,)	
)	
vs.)	
)	
Harry Russell,)	
)	
Respondent.)	

Order Adopting Report and Recommendation

On June 13, 2003, United States Magistrate Judge Jack Sherman, Jr., issued a Report and Recommendation in this matter. The Magistrate Judge recommended that Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied with prejudice, that a certificate of appealability not issue with respect to any ground for relief stated in the petition, and that the Court certify that an appeal of this Order would not be taken in good faith. Although the Court has twice extended the deadline for the filing of objections, Petitioner has not filed objections to the Report and Recommendation within the time allotted. The Court finds no error in the Magistrate Judge's recommendations.

For those reasons, the Court hereby **ADOPTS** the Report and Recommendation. Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is hereby **DENIED** with prejudice. The Court declines to issue a certificate of

appealability for the reasons set forth in the Report and Recommendation. The Court hereby **CERTIFIES** that an appeal of this Order would not be taken in good faith and **DENIES** Petitioner leave to proceed *in forma pauperis* on appeal. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997). This action is **CLOSED**.

IT IS SO ORDERED.

_____/s/
Sandra S. Beckwith
United States District Judge